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KOREA'S APPEAL  
TO THE  
CONFERENCE ON  
LIMITATION OF ARMAMENT



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# KOREA'S APPEAL TO THE CONFERENCE ON LIMITATION OF ARMAMENT.

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## KOREAN MISSION TO THE CONFERENCE ON LIMITATION OF ARMAMENT, *Washington, D. C., December 1, 1921.*

All of us demand liberty and justice. There can not be one without the other, and they must be held the unquestionable possession of all peoples. Inherent rights are of God, and the tragedies of the world originate in their attempted denial. The world to-day is infringing their enjoyment by arming to defend or deny, when simple sanity calls for their recognition through common understanding. (President Harding in opening address to the conference.)

### To the CONFERENCE ON LIMITATION OF ARMAMENT:

Prior to your assemblage and organization we presented to the delegation from the United States an appeal on behalf of the Korean people for an opportunity to present their plea to its consideration, in the hope that we might, through its good offices, be granted the opportunity to obtain a hearing before the conference. A copy of that appeal is hereto attached. (Appendix No. 1.)

All of the conferee nations, with one exception, are in a similar situation to the United States, for they have agreed by treaty with Korea to use their good offices in case of her oppression—per consequence—we have resolved to also present Korea's appeal for justice to the conference as a whole.

Assuredly, we can assume that all of the ambassadors, delegates, and advisors who participate in the grave responsibilities of your task are familiar with those treaties and with the interpretative diplomatic correspondence relating to them. However, for convenience of reference we have prepared an abstract of the governmental records, documents, and treaties pertaining to the relations of each conferee nation with Korea, which is attached as Appendix No. 2, under the title, "What the conferee nations have said and pledged."

We solemnly affirm that justice to Korea constitutes an indispensable requisite to the permanent adjustment of far eastern affairs. How can there be peace in the Orient if a nation of 25,000,000 people are left to smart with the injustice of treaties "unkept"?

When Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland and Empress of India, through Her Majesty's envoy extraordinary and minister plenipotentiary, Sir Harry Smith Parkes, knight of the Grand Cross and knight commander of the Most Honorable Order of the Bath, said in the treaty of 1883 that there shall be perpetual peace and friendship with Korea, and that in case of difference with a third power Great Britain would step in to exert its good offices to bring about an amicable arrangement, Korea saw back of those covenants the integrity of England.

When His Majesty, the King of Belgium, through M. Leon Vincart, chevalier of the Order of Leopold of Belgium, said in the treaty of 1901 that the good offices of Belgium would be extended to Korea in case of need, Korea knew that the honor of Belgium had been pledged.

When His Majesty, the King of Italy, through Chevalier Ferdinand De Luca, knight commander of the Mauritian Order and of the Order of the Crown of Italy, decorated by China with the order of the two dragons, said in the treaty of 1884 that the good offices of Italy would be available to Korea in case of differences with a third power, she knew that she could rely upon the pledges of Italy.

The pledges of Denmark were hers through the treaty of 1902, when His Majesty, the King of Denmark, through Monsieur A. Pavlow, commander of the Order of Sainte Anne, signed the treaty with Korea.

What confidence must have been Korea's when she read the proclamation of the President of the United States that "every clause and article" of the treaty of 1882 "must be observed and fulfilled with good faith by the United States and the citizens thereof."

Can you say to Korea that these pledges are meaningless? That she can be annexed by her own ally, whom she assisted to win a great war? That against the will of her people she can be stripped of all sovereignty, freedom, and liberty? That her people can be taxed without representation, oppressed and annihilated, without even a protest? If you say that; if that is your position—can you expect to have world peace result from such a conference? Will any agreement that you make here have any more binding force or effect than the agreements that you have already made, and will the world at large, or even yourselves, have any respect for them?

The United States should assist China, as she is doing. She is hearing China's cry for justice, because in 1858 the United States pledged to China her good offices in the treaty then proclaimed by President Buchanan. (12 Stat., 1023.) For the same reason she should assist Korea, because in 1882 the United States pledged to Korea her good offices in the treaty then proclaimed by President Arthur. (23 Stat., 720.)

An American writer of the highest repute has recently declared that—

In the list of commitments, our pledged support to China and our guaranty of her territorial and administrative integrity, now greatly menaced, will bulk large. Our pledge to support China goes back to the treaty of 1858, in which we pledged ourselves to use our good offices in case any nation acted unjustly toward China. To-day that pledge is China's main hope of salvation from the many dangers by which she is threatened. Should we be blind to our own interests, the appeal to our national honor will not be made in vain nor go unheeded.

Korea, yielding to the persuasion of America, emerged from the solitude of her hermit life and timidly joined the family of nations. She differs from China to-day only in that the processes of foreign intrusion have fully accomplished in Korea what are still in progress in China. Confronted with their menace, Korea vainly invoked the covenant for her protection. Her "appeal to the national honor" was made in vain, for it went unheeded.

If the observance of this pledge be now essential to the preservation of China, it is the more essential for the restoration of Korea, which presents in concrete form the fruitage of every policy which threatens China's economic or political integrity. The processes involving China are those which submerged Korea. They are identical in origin, in purpose, and in result. They can not be thwarted in China if they are to be disregarded in Korea.

Because China still retains the external forms of government she is rightly given a place at your council board. Because Korea has been deprived of all forms of government is she to be denied even a hearing before a tribunal which "is an earnest of the awakened conscience of twentieth century civilization," the call for which "is the spoken word of a war-wearied world struggling for restoration, hungering and thirsting for better relationship of humanity, crying for relief and craving assurances of everlasting peace"?

We venture the assertion that our appeal for your consideration can be denied only from motives of expediency. But this conference, rich with the sad experiences of its many predecessors, should provide no place for an expediency which excludes the seat of justice. Expedients are palliatives which postpone but never correct; always convenient, sometimes necessary, seldom conclusive. They are the bane of treaties, the most fruitful, if not the only cause of their miscarriage.

If it be argued that the absorption of Korea by the Empire of Japan be a fait accompli, and therefore beyond your consideration, we may reply by the assertion that no such act is ever final, when the result is oppression or breach of treaty covenants. History supplies us with many illustrations of this inexorable truth, of which Poland, Greece, Finland, Bohemia, and others are exemplars. The conscience of the world sustains the cause of such people, and its peace is imperiled until justice hears and responds to their appeals.

Korea is the most ancient of nations. Until compelled by the force majeure of the United States she was wholly self-contained. She was the hermit nation. She was content with her own affairs. She envied her neighbors neither their commerce nor their domains. She sought no conquests. She committed no aggressions.

From 1882 to 1907 she maintained diplomatic relations with all nations under treaties which, without exception, covenanted for the exercise of their good offices, should any nation deal unjustly with her. She relied upon these covenants for her security, since her geographic position exposed her to the perils of conflict between her more powerful neighbors.

Her domain commands the entrance to the Yellow Sea, whose hinterland teems with vast populations eager for the trade of the world. It constitutes a tempting, if not essential, basis for extensive schemes of Asiatic conquest, whether military or commercial.

Korea's 20,000,000 people are united in their protest against the domination of Japan. That protest has crystallized into the formation of a Republic. Their resistance to the dominant authority is necessarily passive, yet constant and persistent. They are without arms and without money, yet not without organization. Their faith is in the wisdom, the discernment, and the sense of justice of this great conference. They ask to be heard. They are prepared to ac-



cept your decree upon the hearing with all the facts before you. The future peace of the world is in your hands, but it will not be attained until the cry of Korea for justice has been answered.

If it be contended that to grant our appeal would be to intrude a domestic or internal affair of Japan into an international discussion, we answer that the more serious problems affecting China are subject to the same criticism. Yet China participates in the deliberations of the conference, and it is universally recognized that the adjustment of her affairs is the sine quo non of any effectual scheme for reducing armaments. And China's principal right to consideration rests upon treaty covenants identical with our own.

It is because the nations with whom we covenanted disregarded our appeals for the exercise of their good offices in our behalf when Korea was unjustly dealt with that we are compelled to present this petition. Had the least of them responded, the eyes of the world would have been turned upon Japan, whose gaze would have stayed her hand. Surely you will not turn away from us when you consider how indispensable is your favor to our national rehabilitation and to the accomplishment of your great objective.

Japan can not defend nor mitigate her forcible dominion over Korea upon the plea of needed territory for her expanding population. Korea can be used for colonization only by exterminating the Korean people, which is beyond her power. Korea comprises but 84,400 square miles, with a population of some 20,000,000, or 239 to the square mile. This density of population forbids any other alternative. The policy has been attempted, yet during the comparative long period of Japanese occupation only 300,000 Japanese have made Korea their abode. They came not to develop but to exploit.

We are aware of the fact that Japan has claimed that certain treaties were made after the treaty of alliance between Korea and Japan in 1904 by which Korea voluntarily gave up her sovereignty to Japan.

If we but consider what must have been the attitude and the temper of the Korean people at this time we realize how absurd and impossible this would be. How could the Koreans forget the murder of their Queen and the poisoning of their Emperor? Could they forget how Japan came into Korea, protesting love and friendship under a treaty of alliance, and how, flushed with the victory over Russia, which the Koreans themselves made possible, the Japanese threw off the guise of friendship and violated their treaty of alliance, refusing to withdraw their troops, and have continued their military possession to this day? Korea has never been put back in the position she was in before the treaty of alliance, where she could defend herself. Japan never placed her in statu quo. Consequently, nothing that Japan has done or that she has procured to be done under the menace of this military occupation can be used by Japan to justify her retention of Korea. The facts regarding the treaties said to have been made during this term of duress were covered in the "Brief for Korea" which was filed with the Hon. Charles Evans Hughes in April, 1921, and for convenience we attach hereto a copy of that brief as Appendix No. 3.

Should this conference complete its labors and adjourn without heeding the plea of Korea, its work, however beneficent otherwise,

will leave to posterity an Asiatic Alsace-Lorraine problem to plague its conscience, threaten its peace, and disturb the finality of every adjustment of international relations.

Finally, it may be asserted that Korea's right to be heard by this conference rests upon the solemn sanction of treaty obligations. Apart from the failure of the members of this conference to observe their covenants with Korea when called upon to exercise their good offices in her behalf when unjustly assailed by Japan at the threshold of her aggressive policies, there remains the fact that Korea is the unhappy victim of her abiding trust in the sanctity of international agreements. Not force, but fraud, gave Japan possession of Korean territory and Korean sovereignty. Her treaty of alliance with Korea against Russia in 1904 made Korea her indispensable base of operations against the common enemy, in acknowledgment for which great advantage she covenanted to safeguard Korea's independence and territorial integrity for all time. Then, victorious over Russia, she forged her treaty into a weapon for the undoing of Korea. The burden of the yoke then fashioned for the necks of her unhappy people has been made heavier by the indifference of the nations to their obligations. This great conference, whose convocation has been greeted as the harbinger of a new era in world affairs, constitutes the final tribunal of appeal for Korea. She asks for justice and nothing more.

Hers is the far eastern problem in all its phases. She is both its exponent and the finished example of Japanese ambitions. Her fate, if permitted to remain unremedied, will be the fate of Asia unless prevented by a resort to the ultimo ratio of nations.

By direction of the Korean Mission to the Conference on Limitation of Armament:

SYNGMAN RHEE, *Chairman.*

PHILIP JAINSON, *Vice Chairman.*

HENRY CHUNG, *Secretary.*

FRED A. DOLPH, *Counsellor.*

CHARLES S. THOMAS, *Special Counsel.*

APPENDIX No. 1.

KOREA'S APPEAL TO THE AMERICAN DELEGATION TO THE  
CONFERENCE ON LIMITATION OF ARMAMENT.

KOREAN MISSION TO THE  
CONFERENCE ON LIMITATION OF ARMAMENT,  
*Washington, D. C., October 1, 1921.*

To the Hon. CHARLES EVANS HUGHES, Hon. HENRY CABOT LODGE,  
Hon. ELIHU ROOT, and Hon. OSCAR W. UNDERWOOD, *Members of  
the Delegation from the United States of America to the Confer-  
ence on Limitation of Armament.*

GENTLEMEN: We have been delegated by the people of Korea to present their cause to you and to the Conference on Limitation of Armament.

The Korean question is one of the vital far eastern questions. As such it should be considered by the conference. Korea should not be held up merely as an object lesson to illustrate the possibilities of ruthless and aggressive oppression. Her wrongs should not simply be commiserated. They should be righted if the objects of the conference are to be attained. Twenty million people, clamoring for restored independence and freedom and craving the justice to which they are beyond all question entitled, can not be denied a hearing without a reflection upon the worthy objects which you are appointed to secure.

This conference soon to be held may prove to be the most important that the world has ever known. To accomplish its end it must proceed upon the fundamental premise that the covenants of treaties and agreements between nations are, and must, until formally repudiated by recognized processes, be faithfully observed by their respective signatories.

Viewed in the light of this principle, the Korean problem is very simple. Japan holds military possession of, and forces its sovereignty upon Korea, without her consent, in violation of the terms of her treaty of alliance with Korea, and in direct conflict with other treaties that were made by her at different times with that nation. This military possession and enforced sovereignty without consent is due to the fact that neither the United States nor any of the great powers invited to participate in the coming conference used their "good offices" to prevent it, as by several of their treaty covenants with Korea they solemnly engaged themselves to do.

The United States in 1882; Great Britain in 1883; Italy in 1884; France in 1886; China in 1899; Belgium in 1901; and other powers not yet officially invited to this conference, each deliberately covenanted with Korea, that—

If other powers deal unjustly and oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement.



Each one of the nations named below knew that in 1904 Japan and Korea, just prior to the Russo-Japanese war, entered into the treaty of alliance to which we have referred, and that by virtue of such treaty Japan was permitted to occupy Korea with her military forces and to use Korea as a military base in her operations against Siberian Russia.

But for that treaty the war would have ended disastrously for Japan, who without it would have been compelled to attack Port Arthur with her navy only. Had she been compelled to land her troops from transports, that stronghold might have proven impregnable. Or if Japan had not been permitted to surprise the Russian fleet in the waters of the Yalu, history might have recorded a story far different from that which Japan achieved. Korea, relying upon the honor of Japan, fulfilled her engagements and kept her covenants to the letter, thereby powerfully contributing to the defeat of Russia. Of these undoubted facts the great powers are well aware.

The compensating clause to Korea in that treaty of alliance was Japan's guaranty of her territorial integrity and independence. It was negotiated at the instance of Japan. Yet she has never recognized the sanctity of that clause, although she probably owes to it her very existence, and certainly her greatness, as a nation. It is by virtue of that treaty and Korea's liberal observance of it that Japan is to-day one of the great powers and a chief participant in this conference.

With the conclusion of the Russo-Japanese War Japan, instead of removing her troops and armed forces from Korea, as the treaty contemplated, established permanent military bases at Seoul, the capital, at Peng Yang in the northwest, at Nannam in the northeast, and at Taiku in the southeast, with naval bases at Fusan on the southern coast and Wonsan on the eastern, notwithstanding her naval base at Darien and Port Arthur sufficiently guarded the western coast.

Thus the temporary military possession of Korea, which Japan obtained by reason of the treaty of alliance, has been perpetuated. Korea has never been placed status in quo, free to act without coercion or duress. She has always been, and is now, subject to the menace of troops and war vessels of a nation which secured initial possession of Korea, not by conquest, but by a treaty, to tide her over a vital crisis, which has long since disappeared. Had the American troops remained in France, or the English in Belgium, and through the menace of their presence wrested sovereignty from these nations, the wrong would have been no greater nor more palpable.

Nothing that Japan has done or that she has procured to be done during the menace and duress of this unlawful military occupation toward securing an apparent or alleged acquiescence in her occupation and sovereignty over Korea should be of lawful force or effect, and especially in a congress of nations deliberating to secure the enduring peace of the world.

The people of Korea vigorously challenge the assertion that they or their Government ever acquiesced in or consented to the assumption of the sovereignty of Japan over Korea. In this they are supported by the recorded facts of history, by the declarations and writ-

ten protests of the ex-Emperor, by the testimony of your own ministers to Korea, by the statements of a horde of outside witnesses, and by a convincing array of circumstances. That their position is correct is evidenced by the conditions existing at the time of the alleged acquiescence. You have but to read the dispatches from your own diplomatic representatives covering the murder of the Queen of Korea at the instance of the Japanese ambassador, Viscount Miura, and the account of your own military attaché to be convinced that no people with those experiences could possibly voluntarily submit themselves to any authority imposed through the agency of such appalling deeds. Had Korea's submission been voluntary, these deeds would have been as useless as they are horrible.

Following this assumed sovereignty under military coercion there has been much oppression. The people are taxed without representation and have absolutely no voice in their own government. They are oppressed economically and have no redress. Their courts are presided over by Japanese judges and clerks. Japanese teachers installed in their schools compel their children to learn a foreign language. Immoral practices are imposed upon them that they abhor. Intellectually they are being strangled and are being reduced to the position of ignorant serfs and slaves. The people and the country are being exploited for the sole benefit of a foreign power and a foreign people.

Although the world's press has placed before the public thousands of columns of news reciting brutalities and atrocities in detail—hundreds murdered, thousands wounded and maimed; young girls, school-teachers, and nurses stripped and paraded before Japanese soldiers and officers; churches and schools burned; thousands placed in prison and more thousands flogged, with death resulting from the severity of the punishment in over 10 per cent of the cases; and although the great powers solemnly agreed to use their "good offices" in any case of unjust dealing, not an official word uttered by a single treaty power has thus far been heard. Is it not for you to challenge the attention of the conference to these conditions and, by recognizing your country's obligation, renew a much needed confidence in the binding force of treaty stipulations?

Japan justifies her conduct by contending that her occupation of Korea has conferred a material boon upon Koreans. But investigation demonstrates that harbors have been deepened and improved for war vessels and that railways and roads have been extended and improved with special reference to military and not for economic uses. Afforestation is claimed, but the facts are that the 101,000 acres afforested are belittled by the 5,391,000 acres of virgin timber cut over. In terms of dollars and cents, there has been \$168,000,000 spent in Korea by Japan for improvements, and \$418,000,000 has been taken out of Korea by Japan through increased taxes over normal Korean taxes and increase of the Korean national debt. Japan has taken out of Korea \$250,000,000 to assist in the support of her military machine. If you would limit armament, take away this support. Korea can use her own money to better advantage. But if we concede that Japan, since her occupation of Korea, has conferred material advantage upon her unhappy people, we may well ask whether the destruction of that ancient kingdom and the enslavement of her

subjects can be thus compensated. Germany defended her world war of aggression by proclaiming her purpose to spread the blessings of her kultur over the surface of the globe, and Poland was once partitioned for Poland's good. But the world's sense of justice repudiated these hypocrisies and resisted the former to the uttermost. Korea does not ask for her country's improvement. She demands the exercise of those treaty covenants with other nations upon which she has a right to rely for her protection.

The first of these was negotiated with the United States, upon its own request and initiative. The other powers came afterwards. Korea for centuries preferred isolation to the society of other peoples. Until induced to reverse her ancient policy she was successfully self-reliant. She changed it, relying upon the integrity of your assurances. Did the United States persuade Korea to seek American society only to abandon her to the aggression of a formidable neighbor? We can not believe it.

In a communication of this kind the Korean situation can only be sketched. Many reasons why it should be considered by you and by the conference have not been touched upon at all, and many facts have not been mentioned. But we feel that this outline amply sustains our assertion that the plight of Korea involves one of those far eastern problems the solution of which by the conference has been wisely suggested by the United States as a precedent condition to the reduction of armaments and the future peace of the world.

We appeal to you for an opportunity to fully present the cause of the Korean people to your delegation, to the end that you will then either present it to the conference or that you will create an opportunity for us to do so.

With assurances of our profound respect and esteem, we present this appeal.

By direction of the Korean mission to the Conference on Limitation of Armament:

SYNGMAN RHEE, *Chairman.*

PHILIP JAI SOHN, *Vice Chairman.*

HENRY CHUNG, *Secretary.*

FRED A. DOLPH, *Counsellor.*

CHARLES S. THOMAS, *Special Counsel.*



## APPENDIX No. 2.

### KOREA—WHAT THE CONFEREE NATIONS HAVE SAID AND PLEDGED.

All the world needs the example of kept obligations. (*President Harding in speech delivered Nov. 14, 1921.*)

Korea presents to the conference the bare record without comment. If obligations are to be "kept" she will be content.

#### UNITED STATES.

Be it known that I, Chester A. Arthur, President of the United States of America, have caused the said convention (treaty between United States and Korea) to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclamation of President Arthur with respect to treaty with Korea, dated May 22, 1882, ratified by the Senate January 9, 1883, containing the following obligations to be "kept":

ARTICLE I. There shall be perpetual peace and friendship between the President of the United States and the King of Chosen (Korea) and the citizens and subjects of their respective governments. If other powers deal unjustly or oppressively with either government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feeling.

Provisions follow that each shall appoint diplomatic representatives to reside at the court of the other. That residents of each may reside in the country of the other and shall be freely permitted to pursue their various callings. That students of either may proceed to the country of the other in order to study the language, literature, laws, or arts, and shall be given all possible protection and assistance.

Taking everything into consideration, the legation will hear with pleasure that the Shufelt Convention (treaty with Korea) has been ratified. I think it very important that the United States should have a footing in Korea, and that having opened the door, we should not close it, or give any other power precedence. (Hon. John Russell Young, minister to China, in diplomatic report to Secretary of State Frelinghuysen, Dec. 26, 1882.)

The existence of international relations between the two countries (United States and Korea) as equal contracting parties is an accepted fact. (Secretary of State Frelinghuysen, in ruling dated June 9, 1883.)

The position assumed by this Government toward Korea since contracting the treaty with it in 1882 has in nowise been affected by recent events. Korea's treaty independence since then has been for us an established and accepted fact. (Acting Secretary of State Alvey A. Adec, in ruling dated July 9, 1885.)

Mr. Inouye, His Majesty's minister of foreign affairs, took occasion to say that the reason of our Government in so promptly ratifying its treaty with Korea and accrediting a minister to that country gave satisfaction to his Imperial Japanese Majesty's Government, and was accepted as an evidence of the policy of justice so often manifested by the United States toward the eastern States of Asia. It was considered an act of friendship toward Japan as well as Korea. (Mr. Bingham, minister to Japan, in diplomatic report to Secretary of State, Apr. 14, 1883.)



The intentions of the Japanese Government with regard to Korea seem to be clearly expressed in this protocol (treaty of alliance between Japan and Korea, dated Feb. 23, 1904), and all my information leads me to believe that it has every intention of respecting the integrity of the Korean Empire. (Mr. Griscom, minister to Japan, to Secretary of State, dated Mar. 17, 1904.)

The Marquis (Ito) was emphatic in pronouncing all annexation talk as absurd. (Diplomatic report by American chargé d'affaires at Tokyo to Secretary of State, Sept. 19, 1907.)

#### GREAT BRITAIN.

The treaty between Korea and Great Britain was negotiated on behalf of Great Britain by Sir Harry Smith Parkes, and is dated November 26, 1883. Its provisions are in substance the same as the treaty with the United States, and its diplomatic correspondence duplicates the correspondence between Korea and the United States.

The high contracting parties having mutually recognized the independence of China and Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. (First Anglo-Japanese Alliance, Jan. 30, 1902.)

#### FRANCE.

The diplomatic correspondence and treaty relations between France and Korea presents a third reiteration in substance of the same treaty relations and the same diplomatic representations as with the United States.

The treaty between France and Korea bears date June 4, 1886.

#### ITALY.

The treaty between Italy and Korea is dated June, 1884, and presents a fourth reiteration of the same treaty and diplomatic relations as with the United States.

#### BELGIUM.

The treaty and diplomatic relations between Korea and Belgium presents another and a fifth reiteration of the treaty relations with the United States. The treaty with Belgium was made at a later date, March 23, 1901.

#### CHINA.

China recognizes definitely the full and complete independence and autonomy of Korea. (Article I of the treaty between Japan and China (Shimonesei treaty), dated Apr. 20, 1895.)

There shall be perpetual peace and friendship between the Empire of Korea and the Empire of China, and between their respective subjects, who shall enjoy equally in the respective countries of the high contracting parties full protection and the advantages of favorable treatment. If other powers should deal unjustly or oppressively with either Government the other, on being informed of the case, will exert their good offices to bring about an amicable arrangement, thus showing their friendly feelings. (Article I of the treaty between China and Korea, dated Sept. 11, 1899.)

#### JAPAN.

Chosen (Korea), being an independent State, enjoys the same sovereign rights as does Japan. (Treaty between Japan and Korea, dated Feb. 26, 1876.)

The independence of Korea is declared confirmed and established. (Treaty between Japan and Korea, dated July 14, 1894.)

The following telegrams, received by the State Department on their respective dates, were sent by United States diplomatic representatives regarding the murder of Queen Min of Korea, showing the Japanese conception of the independent rights of a sister nation :

Tokyo, *October 9, 1895.*

The following telegram has been received from Allen, dated Seoul, October 9: "Yesterday morning King's father, with the assistance of Japanese, forcibly entered royal palace. Two officers killed in attempting to save Her Majesty. Queen and three ladies murdered. Murderers were Japanese in civilian dress."

DUN.

Tokyo, *October 12, 1895.*

The following telegram has been received from Allen, dated October 11: "I have received to-day a detachment of marines from the *Yorktown*. Chargé d'affaires Russia the same. English consul sent immediately for war vessel. Missing queen deposed."

DUN.

Tokyo, *October 14, 1895.*

The following telegram has been received from Allen, dated October 13: "This Government is now under control of King's father and five traitors, under the guidance of Japanese. The condition of His Majesty pitiful. Queen murdered; murderers in full power. His own life in imminent peril. \* \* \* Japanese minister states that atrocities were committed by natives disguised to represent Japanese. It is absurd. Chargé d'affaires of Russia and myself saw 30 of them leaving royal palace just after atrocities armed with swords. They were Japanese. Also a reliable American military officer of the Government saw Japanese troops enter royal palace in advance of insurgents, and they witnessed atrocities, but made no attempt to prevent them. Sufficient evidence implicating Japanese minister overwhelming."

DUN.

Seoul, *October 26, 1895.*

Japanese minister and officers of his legation and army have been sent to Japan. Count Inouye is coming to Seoul as special ambassador. The King is under strict duress. His life in peril. I do not recognize decrees forced from him. Allen's conduct affairs excellent.

SILL.

The Japanese ambassador, Viscount Miura, was recalled and was subjected to the form of facing a Japanese court of inquiry. The following excerpts from the court's findings show a very crude example of "whitewash":

The accused, Miura Goro (Japanese ambassador to Korea), assumed his official duties September 1, 1895. According to his observations, things in Korea were tending in a wrong direction. The accused felt it of the utmost importance to apply an effective remedy to this state of things, and a conference was held at the legation. It was further resolved that this opportunity should be availed of for taking the life of the queen, who exercised overwhelming influence in the court. Miura Goro decided to carry out the plan by the middle of the month. (Reference is here made to a visit of the Korean minister of war to the legation, demanding the disbandment of the Japanese troops.) It was now evident that the moment had arrived and that no more delay should be made. Miura Goro consequently determined to carry out the plot on the night of that very day. (Here the findings of the court of inquiry abruptly end.) Notwithstanding these facts, there is no sufficient evidence to prove that any of the accused actually committed the crime.

The Imperial Government of Russia and of Japan recognize definitely the sovereignty and entire independence of Korea and pledge themselves mutually to abstain from all direct interference in the internal affairs of that country. (Treaty between Russia and Japan, dated Apr. 25, 1898.)

ART. II. The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea.

ART. III. The Imperial Government of Japan definitely guarantees the independence and territorial integrity of the Korean Empire. (Treaty of alliance between Japan and Korea, dated Feb. 23, 1904.)

In a circular letter to the powers, sent out through the various diplomatic agencies of the Japanese Government, it was stated:

You are instructed to communicate to the Government to which you are accredited that the occupation of some ports and territory of Korea is found inevitable in the prosecution of the present war (Japanese-Russo), but that such use is not in disregard of or in violation of her independence or territorial integrity, and that the Japanese Government has concluded with the Korean Government the following protocol. (Here followed the treaty of alliance containing the provision above quoted.)

It will be conceded by everyone that if Japan had not made this treaty of alliance with Korea, and if Korea had not permitted Japan to occupy "some ports and territory," so as to enable it to strike a quick and unexpected blow at Russia, Japan would not have been the victor in the Japanese-Russo War.

We are quite sure that if Japan had not hastened to assure the nations of the world by the circular letter that we have quoted that its military occupation of Korea was "not in disregard of or in violation of her independence or territorial integrity," and if Japan had not hastened to place in the hands of the powers copies of the treaty of alliance by which Japan solemnly "guaranteed the independence and territorial integrity of Korea," that the powers would have protested and would not have permitted that military occupation. They would have considered it a violation of Korea's right to neutrality and would have stepped in, under the terms of their various treaties with Korea.

If these promises and these assurances had not been made by Japan, and if these written solemn treaty covenants had not been made by Japan guaranteeing Korea's independence, will anyone suppose for a moment that Japan would have been permitted to occupy Korea as a military base without a fight? Koreans would have fought as they did 300 years before when the Japanese samurai, under Hideyoshi, invaded the country, and the Japanese would have been repulsed, just as they were then. Korea is an oppressed nation, but history shows that it is not inferior. Where did the potter's wheel, the loom, movable type, 24-letter alphabet, ironclads, bombshells, early bronzes, under-glazed pottery, and the main principles of the calendar that you are using to-day come from? Your museums and the British museum will show that they came from Korea. The symbols on Korea's flag inspired Confucius to write his first classic, and the great walls, of which traces can still be found in Korea, built centuries before Emperor Chin's time, were the inspiration and pattern from which that self-styled "First Emperor of Chin-a" built the great wall of China.

We refer to these things simply to emphasize the fact that we are really an intelligent people with initiative, and if not oppressed, we could take our place in world affairs with some degree of confidence.

In 1904 we were not so spiritless or so helpless or so lacking in intelligence that we would have permitted Japan to occupy our country with its military forces unless under a solemn treaty declara-

tion recognizing and guaranteeing our independence. We trusted Japan then, it is true. We relied upon her guaranty. We relied upon the numerous other treaties that have been cited in this article, and we believed then, as President Harding does now, in the sanctity of "kept obligations." Are we wholly to blame for our trust or for misplacing our confidence?

The Russo-Japanese war came to an end. The necessity for Japanese military occupation of Korea has long since ceased. The purpose for which the treaty of alliance between Japan and Korea was made has terminated. Yet Japan remains and has increased her military forces and has established permanent bases, both for land and naval forces. If we continue to rely on others we will perish, unless the great nations of the world respond to President Harding's noble and just sentiment that obligations are to be "kept."



## APPENDIX No. 3.

### BRIEF FOR KOREA.

(Presented to the Hon. CHARLES EVANS HUGHES, Secretary of State.)

#### PART I. STATEMENT OF THE CASE.

The consideration of the case of Korea rests almost entirely on conceded facts, and the principles of international law involved are elementary, requiring but casual mention.

There are three periods in Korean history, considered with reference to her foreign relations: (1) The period of 4,215 years prior to 1882, during which she maintained her own independence and integrity by her own unaided efforts, though China claimed suzerainty; (2) the period of 23 years, from 1882 to 1905, in which she sustained diplomatic relations with all the world, relying more or less at first, and in the end wholly, upon the powers to sustain her entity, pursuant to the treaties they made with her; and (3) the period from 1905, in which she has suffered from usurpation at the hands of Japan.

In a strict legal sense we need not concern ourselves with the national status of Korea prior to 1882. However, the situation prior to 1882 bears upon the equities of the case, and should be kept in mind.

It is certain that in 1882 the United States recognized the independence and territorial integrity of Korea by entering into a treaty of amity and commerce with her as a separate national entity. The treaty was in due form. It was ratified by the Senate and in regular course it was formally "proclaimed" by President Arthur. Japan was the first nation to officially "congratulate" both Korea and the United States upon its consummation. This fact is noted in the report of Hon. John A. Bingham to Secretary Frelinghuysen, April 14, 1883.

As though to emphasize the international effect of this treaty in recognizing this national entity, China protested the sending of Korean ministers to the United States, claiming suzerainty over Korea. The protest was patiently and fully considered on its merits and was overruled. Later China, conceding the position of the United States, also recognized by specific treaty the independence and separate entity of Korea.

Great Britain, France, Germany, Austria-Hungary, Russia, Belgium, Denmark, and Italy, following the course of the United States, also made treaties of amity and commerce with Korea as a separate nation.

Japan not only recognized diplomatically and with finality the independence of Korea by officially "congratulating" both Korea and the United States on the execution of the treaty of 1882, but emphasized the fact by treaties made with Korea direct and by

recitals of the fact in treaties made with China, Russia, and Great Britain. We need only quote at this time the treaty of February 23, 1904, between Korea and Japan, in which by Article III—

The Imperial Government of Japan definitely guarantees the independence and territorial integrity of the Korean Empire.

The United States, with all the other nations named, including Japan, established diplomatic relations with Korea. Ministers were sent to Korea and Korean ministers were received and acknowledged by the various countries with which the treaties had been made.

These treaties have never been abrogated by the direct positive act of all of the high contracting parties thereto. They were lived up to and worked under in entire good faith until 1905, and have been ignored since that date only because of the assertions and assertive attitude of Japan. With all due respect to Japan, it is now known that those assertions of Japan are untrue and that her assertive attitude is without foundation. The conceded facts now known are not consistent with the representations made to the powers by Japan in 1905 and since.

It is one of the purposes of this brief to recall and emphasize that fundamental principle of all law, whether international or of whatever class, that a contract or a treaty is not abrogated by the mere assertions or desires of a third party or nation not a party to the original contract or treaty.

The things that happened to Korea since 1905 and the prior related conditions leading to its present predicament could have happened to any other nation in the world of the same size and military strength.

Citizens in private life have been held up and robbed because all wise laws have been enacted preventing them from carrying weapons with which to protect themselves. They have also been deprived of their property by the fraudulent intrigue of trusted partners and agents. The citizen is not censured because he is the victim of circumstances or has been too trusting, rather he has the sympathy and secures the aid of all other good citizens. The highwayman is punished and ostracised and the property of the defrauded citizen is returned to him by due process of law.

These principles and conditions in private life hold true and exist, or at least should hold true and exist, in international relations. The illustration is given because the writer believes it to be an exact parallel to the present situation in Korea.

Prior to 1882, for 4,215 years, Korea had maintained her own independence and integrity by means of her own unaided strength, activity, and nationality. At times, it is true, she was overwhelmed by Tartar and Mongolian hordes, but she always eventually emerged a free and independent nation.

In this period, from 1595 to 1597, she was also for the time being overwhelmed by the invasion of the Japanese Shogun Hideyoshi, but Korean inventive genius and initiative came to her aid. The first ironclad ever used in the world was designed and used by Korea during this invasion, and with it the great Japanese fleet of the times was driven from Korean waters. Another Korean genius designed the first bombshell, which was used against the land forces, and

spreading consternation among the Nipponese warriors, it drove them from the land of the "morning calm." Korea was again free and independent by her own acts, superior intellectual strength, and inventive genius.

Following this Japanese invasion, statesmen of Korea concluded that the only way to have peace was to isolate their country from the rest of the world, and it became the hermit Kingdom. It must be said in justice to the wisdom of their course that the little Kingdom did have profound peace for 300 years. Korea remained isolated until 1882, when, at the bidding of the United States, she opened her doors to the world.

From 1882 to 1905, a period of 23 years, Korea maintained her national independence, not so much through her own acts as theretofore, but more through the moral force and supposedly binding provisions of the various treaties she had made with the nations of the world, including the United States.

She began to trust and to rely upon these treaties, gradually weakening and giving up her own methods of defense, until ultimately she found herself in a position where she was forced to entirely rely upon foreign powers and their solemnly made agreements to use their "good offices" in case of oppression.

No one should criticize Korea for this attitude or this trust, for in our innermost consciousness we must admit that if the United States, Great Britain, France, Germany, Austria-Hungary, Russia, Belgium, Denmark, Italy, and China had come forward to do just the literal, identical thing, and nothing more, that they had all agreed to do, namely, to use their "good offices" in protest against her oppression, Korea would not have been in her present predicament.

She would still be free and independent and one of the nations of the world; and with her 4,000 years of history, her 20,000,000 people, her record of accomplishment in the industrial arts, and her intellectual achievements, would at least par in importance to the great world brotherhood, with Hejaz, Liberia, Hayti, Honduras, Guatemala, and many others recognized by the League of Nations.

We can not conceive of a single occurrence in Korea that could not have taken place in any other small nation under the same conditions and opposed by the same unscrupulous forces. Early in the year 1904 Japan was at war with Russia and sought the assistance of Korea as an ally. It succeeded in obtaining cooperation on the representation that Japan would definitely guarantee Korean independence. Korea insisted that the pact should be in writing, resulting in the treaty between Japan and Korea dated February 23, 1904. By that treaty, as we have already seen, Japan did that very thing. She specifically guaranteed the independence and territorial integrity of Korea for all time.

Accordingly Japanese troops were permitted to land in and traverse Korea as a short route to Siberia, including Russian positions in Manchuria, and the Japanese Navy was permitted to use Korean waters as a near-by base of operations. If Korea had not consented to this military occupation and use of her territory; if she had taken the same position toward Japan that Belgium did toward Germany, another history would have been written for the

Russo-Japanese War. Such a course would have impeded Japanese progress sufficiently to have enabled Russia to mobilize her Army and Navy in the Far East. Korea contributed to, if she was not in fact wholly responsible for, the success of Japan in that war. Japan's treachery and ingratitude can not be adequately expressed.

The Imperial Government of Japan has never to this day withdrawn her military occupation of Korea that was obtained under the treaty of 1904, by which it guaranteed the independence and territorial integrity of Korea, and Korea has never since been placed in statu quo, free to act without the dominating and menacing presence of Japanese troops.

Military possession for a given purpose, obtained by permission and specific treaty, has arbitrarily been turned into adverse possession in opposition to the original purposes, which were to guarantee and further the independence of Korea.

It is impossible to apply any other principle of law than the obvious and fundamental one, that initially permitted possession under contract can not be turned into adverse possession, without surrender and placing the parties in statu quo. So long as such initially permitted possession under contract is maintained, it is in law, international as well as private, considered as in pursuance of the purposes of the original permission.

Japan can not claim sovereignty which she obtained during the menace of military possession, when the very purpose of the original military entry and possession, never surrendered, was to protect the independence and territorial integrity of Korea. This was the covenant and condition exacted by Korea as a consideration for her assistance and her agreement of alliance with Japan against Russia, and Korea has performed her covenant.

Japan can only be considered as a steward and guardian for her ward, Korea, holding the possession that she has, and that she has retained without surrender, in furtherance of the declared purpose at the time, to guarantee and protect the independence of Korea. No act or thing that Japan has done, nor any act or thing that Japan has procured to be done, during the presence and menace of military possession can change this fundamental rule.

This all being absolutely true, the nations of the world who made treaties with Korea, including the United States, must still regard Korea as a separate entity and the treaties in force, irrespective of any assertions or claims of Japan to the contrary.

If there are those who would justify the acts of Japan in seizing Korea on the grounds of expediency, we can still ask, "Expedient for whom—Japan or Korea?" They were both separate entities and both had sustained diplomatic relations with all the rest of the world. They were neighbors owning separate properties.

It might be expedient, from the standpoint of one neighbor, for him to confiscate the property of his fellow. He might even say that he was a better farmer than his neighbor and could raise greater crops, and that by having authority over the person of his unfortunate fellow worker he could make him get up earlier in the morning and work longer hours, and thus the community would be benefited. But in ordinary affairs we do not consider such things; we call it stealing.



There may still be those not versed in the fundamentals of law and justice, or being versed, that for the time being forget, who still wish to justify Japan's action. They wish to consider the detailed acts of Japan. So be it. We need only to recite the facts, without comment or argument, and even these curious doubters will be convinced. We give notice in advance that it is a tale of horror and tragedy, and of greed and exploitation, repulsive in the extreme.

In July, 1894, Japan and Korea signed a treaty of alliance against China, providing that Korea should facilitate the movement of Japanese troops to China and should assist in their sustenance, and that the treaty should determine with the conclusion of peace with China. Having made this treaty, which was necessary to her success, Japan formally declared war against China on August 1, 1894. History records that Japan was victorious and the treaty of Shimonoseki, April 20, 1895, concluded that war.

The successful outcome of that war to Japan gave birth to her ambition to control Asia. She claimed credit for the victory, ignoring the help given to her by Korea, and sought to strengthen her position in the Far East by acquiring absolute control over her ally, Korea. Although the war was concluded, Japan did not withdraw her troops from Korea and the Queen was using all her power, and the power of the great Min family of which she was a member, to oppose Japan's encroachments and purposes. Japan determined upon her removal.

The Japanese minister to Korea, Viscount Miura, worked out the details and arranged for her murder. The palace was surrounded by Japanese troops and thugs were sent to perform the act. They murdered the commander of the palace guard and two ladies in waiting before they finally found the Queen. She was cut down, her body hacked in pieces, wrapped in woolen blankets, saturated with kerosene oil, and burned in the courtyard.

Volumes have been written about the tragedy, but we omit further gruesome detail. Our purpose is to state, as simply as we can, what Japan did. Her reasons for doing this thing, and the attitude of a nation in causing or permitting it to be done, is outlined in the defense interposed at the trial of Viscount Miura. This was the justification presented by his counsel:

He did only his duty, as he was in charge of peace and order in Korea. The root of political trouble, the effects of which would have lasted for a long time to come, was torn up. Considering the class of diplomacy prevailing in Korea, Viscount Miura has accomplished only a triumph.

This justification was adopted by the Japanese court in which he was tried. No other inference is permissible. The court, though finding him to be the conspirator who planned the murder, nevertheless discharged him.

This murder and this brazen defense of it was such an atrocious thing that the conscience of the world was aroused in protest and Japan was forced to live up to her treaty obligations for this once. For the time being Japan seemingly acquiesced in the world's decision, but in fact sat back, watching for a new ju jitsu hold on the diplomatic situation.

Conditions were slow in materializing for Japanese purposes and she started a propaganda in Korea to the effect that Korea was being

menaced by Russia, aided by China. This propaganda was successful, even in face of the fact that it was seemingly apparent that Russia had already obtained and established her objectives in the Far East. She had reached the eastern seas with railroad terminals established at Vladivostok on the Japan Sea and at Port Arthur and Dairen on the Yellow Sea. Korea would be an unnecessary adjunct.

In spite of this obvious situation Japan was successful in her plans, and there was a second alliance between Korea and Japan, this time against Russia. We have already had occasion to detail the facts as to this alliance and the making of the treaty of 1904, by which Japan definitely guaranteed the independence and territorial integrity of Korea, in return for which guaranty Korea allowed her territory to be used as a base of operations against Russia and Siberia. This is the military possession, under treaty for a specific purpose, that Japan has retained to this day.

The treaty terminating the war with Russia was consummated at Portsmouth in September, 1905, and its was no sooner signed and out of the way than Japan began her aggressive activities in Korea. A treaty establishing a protectorate by Japan over Korea was prepared and Marquis Ito was sent to Seoul to secure its signature. For days he importuned the Emperor and the cabinet ministers to carry out the will of his imperial autocratic master, but they flatly refused. There were stormy sessions. Threats and cajolery were used to no avail; finally it was apparent that more vigorous methods must be adopted.

The palace was a second time surrounded by Japanese troops and was invaded with swaggering officers and their conspicuously armed guards. The Emperor and the ministers had been assembled at the peremptory order of Marquis Ito. They were argued with en masse with no result, and then the three ministers who were the most outspoken in their condemnation were taken out, one by one. Japanese officers returned, sheathing swords and buckling holsters, saying to those who still sat in council, "Now will you sign?" The Emperor and his remaining ministers had every reason to believe that their absent colleagues had become martyrs to Korean freedom as had their beloved Queen Min. Still they stubbornly refused.

The details of this conference have been recorded in numerous historical works. They are common knowledge. The protectorate treaty never was signed or legally executed, although Japan announced to the world that it had been. Even if actually signed, it would still be invalid because of personal duress.

There were present at the opening of this conference on behalf of Korea the Emperor and his eight ministers: Hahn Kin-sul, premier; Park Chee-soon, vice premier and minister of foreign affairs; Min-Young-kee; Lee Ha-young; Yi Won-yong; Yi Kuntak; Yi She-yong; and Kwon Choong-hyun. The status of the ministers was, of course, advisory. The final decision and the execution of the document rested with the Emperor. The Emperor did not sign, nor was he ever advised to sign by a majority of his ministry.

The three Yi's did sign. One of their rewards for this act of treachery to Korea was that Yi Won-yong was given the title of

count, with a bribe of 1,000,000 yen (\$500,000). It is claimed that Lee and Kwon consented without signing. Others claim that these two simply refused to participate. In any event, the Emperor, the premier, the minister of foreign affairs, and Minister Min did not sign or acquiesce in the protectorate in any manner or form, but were all outspoken and courageous in their denunciation and repudiation of the acts of the Japanese.

The Imperial Government of Japan reported this thing consummated on November 17, 1905, and the world for the time being accepted this misstatement as the truth. It was plausible enough, for the traitor, Yi Won-yong, was quoted to substantiate their statement. In fact, Yi Wong-yong, fraudulently signing himself as acting minister of foreign affairs, although Park Che-soon was the minister, instructed Kim Yun-chung, another Korean traitor, then stationed at Washington as chargé de affaires for Korea, to announce the treaty to the United States and to turn the legation over to the Japanese. This Kim did, and returning to Korea was rewarded by Japanese for his treachery by being made prefect of Chemulpo, later counsellor in Chula Province, and was given a vast estate of several thousand acres.

Secretary of State Root had no means of knowing, at the time, that Japan's statement of the signing of the protectorate treaty was untrue, nor that Yi Won-yong and Kim Yun-chung had been bribed to misrepresent the facts to him, and accordingly recognized the Japanese protectorate of Korea and withdrew the diplomatic representatives of the United States to Korea.

In the meantime the Emperor had become convinced by the attitude of Japan of its ultimate purposes and in October, 1905, had dispatched his faithful friend and confidant, Prof. Homer B. Hulbert, an American, to Washington with a protest to the United States and asking its aid and "good offices."

Prof. Hulbert arrived in Washington almost on the very day it is alleged the treaty was signed. It was useless for him to attempt to get Kim Yun-chung, the acting chargé de affaires for Korea, to present the protest, because the chargé was in Japan's pay, and he was delayed in seeing Secretary Root until after the formal recognition of the Japanese protectorate had taken place.

He did finally see Secretary Root, however, but under the circumstances was not formally received as a representative of Korea. The protest of the Emperor was delivered to the State Department and simply became a part of its confidential files. The next day Prof. Hulbert received a cable from the Emperor denying the execution of the protectorate treaty and it was promptly delivered to the State Department and it, too, became a part of the files of the department.

After the announcement of the protectorate the Emperor for all practical purposes was a Japanese prisoner, confined in his own country. No one, except that he was a pronounced pro-Japanese, was allowed to see him. Seasoned and experienced correspondents from the leading world's newspapers were sent to interview him, but without success. Prof. Hulbert, his faithful friend, did manage to see him in spite of Japanese espionage, and the Emperor delivered to him credentials to the powers with which Korea had made treaties, reciting the fraudulent character of the protectorate and asking the "good offices" of those nations to assist Korea in her predicament.



However, Prof. Hulbert, alone and unaided, could not accomplish a great deal, except to persist in his efforts to inform the world, in season and out, of the fraudulent character of Japanese usurpation in Korea. This he did with a faithfulness and self-sacrifice that we may expect from a red-blooded American, fighting for the weak and oppressed.

Supplementing the protests and credentials delivered to Prof. Hulbert, the Emperor did succeed in getting out credentials to plenipotentiaries to appear before The Hague International Peace Conference. They bore date April 20, 1907, and were issued to Ye Sang-sul, an official of the second rank; Ye Choon, ex-judge of the Supreme Court of Korea, and Prince Ye We-chong. Prince Ye was the son of Ye Pom-chin, former Korean Minister to Washington from 1896 to 1900 and the grandnephew of the Emperor. Upon learning of this act the Imperial Government of Japan promptly caused Prince Ye to be condemned to death, and Ye Sang-sul and Ye Choon were sentenced to life imprisonment.

Japan sought to, and for all practical purposes did, vitiate the credentials issued to Prof. Hulbert and the envoys to The Hague conference, by announcing the abdication of the Emperor who had signed the credentials. Those who believed the announcement, of course, considered the credentials automatically canceled. This announcement was made July 19, 1907, and five days later, on the 24th, the subsidized Korean traitor, Yi Won-yong, purporting to act for Korea, signed a treaty with Marquis Ito, representing Japan, turning over to Marquis Ito, as Japanese resident general, the entire governmental functions of Korea, internal and otherwise.

It is impossible to believe, in view of the Emperor's attitude and many public protests, that the Emperor ever actually and of his own volition consented to any of these acts that Japan announced that he had promulgated. In any event, on the theory that "dead men tell no tales," he was poisoned on January 24, 1919. His death was kept a secret for some days and finally it was officially announced that he had died of apoplexy.

The crown prince was an unfortunate—a mental deficient—and being born of Queen Min in those troublesome times preceding her murder he came into the world with no chance. The very terrors and ordeals through which his mother had passed were to shield him. He was born without means of ordinary comprehension and he believes to-day the irrefutable proof before the world by which it will condemn Japan's duplicity.

Japan did not balk at making use of this unfortunate to further her purposes. Late in August, 1907, after the Japanese had announced the abdication of Emperor Yi, the crown prince was crowned Emperor, "amid the sullen silence of a resentful people." One historian records:

"The Japanese authorities who controlled the coronation ceremony did all they could to prevent publicity. In this they were well advised. No one who looked upon the new Emperor as he entered the hall of state, his shaking frame upborne by two officials, or as he stood later with open mouth, fallen jaw, indifferent eyes, and face lacking even a flickering gleam of intelligent interest, could doubt that the fewer who saw this the better."

He was known throughout the world as the "puppet Emperor," and, of course, the Japanese did with him as they willed. Edicts



were issued in his name that probably never saw, or, seeing them, could not comprehend beyond the bright red seals and yellow ribbon.

The first order was to disband the Korean army, small as it was and as helpless as it was, with the more numerous Japanese troops occupying all places of vantage. The different detachments were ordered to report at a given point "without arms," and the order of disbandment was read to them. Many of them refused and fought with bare hands. They were shot down, dying as a final protest against this usurpation of their country's freedom.

Eventually the Japanese tired of the red tape necessary to continue the form and pretense of a Korean Government with this unfortunate puppet Emperor and in 1910 came out boldly with their rescript of annexation.

Of course, this was their objective and their intention from the beginning. Yet up to the very day of annexation they had always denied it to the world. At each aggressive step plausible excuses were given, and the nations of the world were reassured time and again that Japan had no intention of finally annexing Korea. Marquis Ito, the first governor general, characterized "all annexation talk as absurd" and this cry was taken up and reiterated by all Japanese officials and diplomats with a perfect hypocrisy that misled the world.

It has sometimes been urged that Korea by the treaty of February 23, 1904, and a supplemental treaty made in August of that same year, after Japanese troops had invested the country, placed herself so completely under Japanese control as to destroy the provisions of the various treaties with other powers, including the treaty with the United States. Just how the making of a treaty, in which Korea exacted that Japan should guarantee her independence and integrity, should affect Korean treaties with other powers we can not comprehend.

In any event, Japan did not make any such claims at the time. Mr. Takahira in transmitting a copy of the August, 1904, treaty to Mr. Adee, of the State Department, on August 30, 1904, said:

"SIR: Under instructions from His Imperial Majesty's minister for foreign affairs, I have the honor to transmit, etc. \* \* \* In communicating this agreement to the Government of the United States, I am instructed to say that it is nothing more than the natural consequence or development of the protocol concluded between the Japanese and Korean Governments on February 23, 1904, which I had the honor to transmit at that time for the information of the Government of the United States. I am further directed to say that the agreement does not in anywise interfere with the full operation or validity of Korea's existing treaties."

To which Mr. Adee replied, September 2, 1904:

"SIR: \* \* \* In reply I have the honor to say that the department has taken note of your statement of your Government's purpose in negotiating the agreement and its views regarding the effect of the agreement."

The foregoing is a bare outline of the Korean situation from a purely legal standpoint. It is but the preliminary statement of the case, that the international jurist would make in support of his final conclusions. Within its compass all other questions are but collateral and incidental.

The methods used by Japan, whether humane or otherwise, in dominating and controlling Korea, and whether good or bad economically, are immaterial. The gist of the situation is the domination and control without right—the destruction of the independence and freedom of a nation.

There may still be those who will say that Japanese domination has been a boon to Korea, and that she has profited in a material way by improvements and economic development. But the Korean living in a mud hovel on the hillside, driven there from his fertile little field in the valley, or his comfortable home in the city by the ruthless hand of the usurper, can not acquiesce in this statement. What profit is it to him, whether there are more miles of railroad, more waterworks, more good roads, and more commercial activity, if he has no part in the common prosperity, and if all the benefits go to the foreign usurpers? It was his land. The natural resources were his and it was his little country. He can not help but reflect that, after all, it was his property, and his taxes, and the sweat of his brow that created this prosperity, and for whom? For a foreign usurper that he hates with all his soul. There are 20,000,000 people in Korea thinking of just these things, along with thoughts of dear ones killed, flogged, and maimed, and of women outraged in the process.

As a matter of fact, Japan does not claim to have expended over \$75,000,000 in the material improvements of Korea by way of railroads, good roads, and public improvements. Yet she has increased the Korean national debt to \$60,000,000 more than it was when she seized Korea, and has collected \$55,000,000 in excess taxes from Koreans over and above the average normal taxes in Korea prior to her occupation. The Korean feels that with \$115,000,000 he could have made \$75,000,000 of improvements just as well and with a better understanding of his own wants and desires.

Japan, in trying to govern 20,000,000 people against their will, all thinking these thoughts and with this hate in their hearts, has executed 50,000, has placed over 700,000 in jail at one time and another, and has flogged close to 300,000—all because they did think those thoughts and did resent this treatment just as we would have done under the same conditions. From Korea have come such gruesome tales of murder, maiming, rape, injustice, and oppression as come from all militaristic governments of an unwilling people. The results are horrifying, but the primary cause is very simple. The inherent right of a whole people to life, liberty, and the pursuit of happiness is being violated.

Japan has been relentless in her oppression. Koreans have no vote and no voice in their own government. Yet they must pay taxes at a rate twelve times as great as it was when Japan took possession of governmental affairs. The railroads, iron mines, coal mines, forests, and other economic resources have been seized and are being operated without compensation, and without credit being given, to Korea as a Province or district.

Crown lands and public lands have been seized to be exploited for Japanese settlers, and private lands have been wrested from their owners by devious ways to become property of the Japanese-owned Oriental Development Co. Thousands of acres of poppy fields

flourish where rice and grain once grew—to enrich the Government opium monopoly of Japan.

The courts are presided over by Japanese judges with Japanese clerks and bailiffs, and over 200,000 Koreans have been convicted, without trial, by summary judgment, presumed to be guilty when charged.

Schools are plentiful for Japanese, but few and far between for Koreans. One code of law applies to Koreans and another to Japanese, and so on down through all of the things that go to make up life and liberty. All are denied to Korea.

The question may be running in the reader's mind as to what the Koreans have been doing. We have already detailed what the members of the royal house did. They did everything that mortal man could do. They resisted, protested, and finally Queen Min and Emperor Yi died martyrs to their country.

The people themselves were held in leash during the lifetime of the old Emperor by their trust in him and their hope that he would be able to find a way to right their wrongs.

Upon his death, on January 24, 1919, all restraint was thrown off, and the societies for Korean freedom, secretly organized, began to function. They included in their membership at least 95 per cent of all Korean men and women. Plans had been discussed for many months and were complete in every detail.

The people had determined to demand of Japan the restored independence of their country, and had agreed upon the republican form of government patterned after that of the United States. The declaration of independence and the constitution had been drawn and agreed to, as to form, by referendum to all the people.

The 33 men who were to sign the declaration and deliver it to Japan had been elected. Every one of them knew that it meant death or life imprisonment unless the movement should prove successful. Yet there were contests for the place of honor, finally adjusted by impartially dividing the men among the different sects and walks of life according to numerical strength.

There had been heated discussions as to the method to be adopted in asking for their restored independence. There were advocates of force who argued that the 20,000,000 Koreans could seize the 300,000 Japanese, and triumphing in a hand-to-hand struggle, regain possession of their Government by quick and decisive action.

These advocates were opposed by those who insisted upon literally following the doctrines of Christianity. They were idealists. They would not resort to force, but would make their demands and hold passive demonstrations. Surely their cause was right, and the world would take notice. The countries that had at least bound themselves morally to protect them from oppression would step forward, and by their protests and influence with Japan procure restored independence for Korea.

They did not believe that international justice was dead, or that the powers would be forgetful of their covenants if the facts were pressed home. The practical side of their argument was that to resort to force would alienate the sympathies of the powers, and even though they might be temporarily successful, they would eventually lose the support of the nations of the world.



It was finally decided that they would stand up before the bar of justice of the world as dignified gentlemen, presenting their case in regular orderly manner without, in any sense, taking the law in their own hands.

Reflecting upon it we know they are right, and that their final decision as to the methods of presenting their case to the world was right from both a practical and an ideal standpoint. In private life we give little consideration to the man who takes the law in his own hands, no matter what the provocation. We must commend their judgment and their discretion as well as their idealism.

Promptly at an appointed hour the men selected to sign the declaration of independence met at a well-known restaurant in Seoul, held a farewell banquet, signed the declaration, and then, advising the Japanese officials of what they had done, calmly waited. They were arrested. No man resisted; in fact, two who were late in arriving subsequently presented themselves and insisted upon being placed with their fellow countrymen.

This occurred on March 1, 1919, and the 33 patriots are still in prison, except one who subsequently escaped and two who have since died from the exposure and privations of their prison life. The chairman or leader, Son Pyung-hi, died March 1, 1921, on the second anniversary of the independence movement that he helped to inaugurate.

This independence movement had been timed and prearranged. The declaration was signed at 1 o'clock, and promptly at 2 o'clock 322 men arose in 322 districts throughout the length and breadth of Korea and commenced the formal reading of the declaration of independence before assembled crowds of Korean citizens. Korean boy scouts began the delivery of copies of the declaration to every household and to every Japanese official in the district. If a reader or a boy scout was shot down there was always another to take his place.

The world is familiar with the methods adopted by Japan in her attempts to suppress this movement. Notwithstanding the aroused watchfulness and activity of Japan, the constitution of the Republic of Korea was adopted and representatives to the Korean Congress elected. These representatives assembled on April 22, 1919, and unanimously elected Dr. Syngman Rhee president, and his cabinet ministers were nominated and confirmed. In due course the Korean commission to America and Europe was selected, and your humble servant, the writer of this brief, was made legal adviser.

It must be remembered that during all this time Korea was under the most strict censorship. Free speech was denied; public gatherings were prohibited; newspapers were suppressed. Yet the Koreans did meet and did discuss their political predicament and the proper remedies for it with a thoroughness and attention to detail that is astonishing. They formulated a declaration of independence and a constitution for the government of their country that are models, and arranged for their promulgation and adoption down to the last legal formality. The constitution was engraved by hand on blocks of wood, and millions of copies were printed by presses located in caves and sometimes in tombs of secluded graveyards, and were distributed broadcast, together with like copies of the declaration of independence, ballots, and other necessary literature.



We wonder how this could be done; yet consider that there are thousands of educated Koreans graduated from American and European universities. It is not a disorganized mob with ignorant leaders. It is a thoughtful, studious people with just grievances; they know they have been wronged and propose that the world shall know it.

Dr. Rhee, the President, is a graduate of Harvard, and holds a degree from Princeton. It is said that there are as many Korean congressmen in proportion to their number who are graduated from English, American, French, and German universities as there are university graduates among our own Congressmen. It is no longer a question whether Koreans have the ability to govern themselves. They have demonstrated that fact by their activities and organizing ability in this independence movement in the face of such obstacles.

All of these things being true what can be done? There is one thing the United States should do in any event. It made a treaty with Korea which provides:

"If other powers deal unjustly or oppressively with either Government the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings."

Korea performed her part of that treaty and gave to the United States many commercial advantages that are now denied our citizens. All of her so-called western improvements were initiated by Americans during their diplomatic relations with us under that treaty. The kindest feeling of friendship and cooperation between Koreans and Americans existed, and still exists, but the Koreans are helpless. It seems to us that the United States is bound to interpose its "good offices" in protest to Japan against this oppression of Korea, and it should in good faith use all of its powers of persuasion and argument to induce Japan to remedy the wrongs that she has done Korea.

## PART II. REFERENCES AND AUTHORITIES SUPPORTING THE TEXT OF PART I.

### TREATY AND DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND KOREA.

PROCLAMATION BY PRESIDENT CHESTER A. ARTHUR, DATED JUNE 4, 1883.

Whereas a treaty of peace and amity and commerce and navigation between the United States and the Kingdom of Korea was concluded May 22, 1882, as follows:

(Treaty is here inserted verbatim.)

And whereas the Senate of the United States by resolution of January 9, 1883, did advise and consent to the ratification of said treaty, two-thirds of the Senators present concurring, \* \* \*

Now, therefore, be it known that I, Chester A. Arthur, President of the United States of America, have caused the said convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof. \* \* \*

CHESTER A. ARTHUR.

By the President,

FREDK. T. FRELINGHUYSEN,  
*Secretary of State.*

## ABSTRACT OF TREATY THUS PROCLAIMED.

## Article 1 provides:

There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the citizens and subjects of their respective Governments. If other powers deal unjustly or oppressively with either Government, the other will exert their good offices on being informed of the case to bring about an amicable arrangement, thus showing their friendly feelings.

Article 2 relates to exchange of diplomatic and consular representatives.

Article 3 provides that United States vessels wrecked on coast of Corea shall be carefully salvaged by Corea.

Article 4 grants to the United States exterritorial jurisdiction over its citizens in Corea.

Article 5 provides that merchants and merchant vessels shall reciprocally pay duties and tonnage established at the port of entry no higher than those levied against citizens of most favored nation.

Article 6 provides for reciprocal rights of residence and protection of citizens of both nations in the territory of the other.

Article 7 is prohibitory of the exporting or importing of opium, in either country.

Article 8 reserves to Corea the right in case of famine to forbid the importation of breadstuffs, and prohibits the United States from trading in red ginseng.

Article 9 regulates the purchase and importation of arms and ammunition.

Article 10 grants reciprocal rights to citizens of the other to employ native labor while residing in the territory of the other.

Article 11 provides:

Students of either nationality who may proceed to the country of the other, in order to study the language, literature, laws, or arts shall be given all possible protection and assistance in evidence of cordial good will.

Article 14 contains the usual "most-favored-nation" clause.

## LIST OF AMERICAN MINISTERS TO KOREA.

Hon. L. H. Foote, appointed in 1883. Staff, Gustave Goward, secretary; Charles L. Scudder, private secretary, with Piere L. Juoy of Smithsonian Institute as attaché. Purchased legation residence and title later placed in United States.

Hon. William H. Parker, appointed in 1886; Hon. Hugh A. Dinsmore, appointed in 1887; Hon. Augustine Heard, appointed in 1890; Hon. John M. B. Sill, appointed in 1894; Dr. Horace N. Allen, appointed in 1897; Hon. Edwin V. Morgan, appointed in 1905.

## AMERICAN ACTIVITIES IN KOREA DURING DIPLOMATIC PERIOD.

July 25, 1883, United States asked to supply advisers and military officers.

December 18, 1883. Korea purchased American breech-loading rifles.

May 31, 1884. U. S. S. *Trenton* arrived with returning Korean embassy, headed by Min Yong-ik.

July 26, 1884. Middleton & Co. given concession to navigate Korean waters.

July 31, 1884. The American Trading Co. was given right to cut timber and made contract to furnish Korea Gatling guns and rifles.

July 31, 1884. Joseph Rosenbaum started plant to manufacture glass.

September 20, 1884. Dr. H. N. Allen appointed physician to the Korean Government.

February 25, 1885. Korean Government Hospital opened under direction of Dr. Allen.

1885. Rev. H. G. Underwood, for Presbyterian missions, and Rev. H. G. Appenzeller, for Methodist missions, arrived and began their organization work.

1886. Water power powder mill erected for Korea by W. D. Townsend.

1886. Government medical school established by Dr. Allen, Heron, and Underwood.

1886. Mr. O. N. Denny, an American, made vice president of the home office and director of foreign affairs.

1886. Korean Government bought steamer *Hairiong*.

1886. Profs. Hulbert, Gilmore, and Bunker, sent by United States at request of Korea, arrived and established schools.

1886. Dr. Amie Ellers was appointed physician to the Queen. Succeeded later by Dr. Lillias Horton, later Mrs. Underwood.

1886. American schooner *Pearl* engaged in pearl fisheries.

1886. Edison Co. erected electric light plant.

September 27, 1886. Korean mission to United States turned back by Chinese men-of-war. Later were escorted past Chinese men-of-war by U. S. S. *Ossipee*.

1888. Cols. Neinstead, Dye, Cummins, and Lee, Americans, arrived to drill Korean troops.

1888. Korean telegraph line from Seoul to Fusan completed by T. E. Hallifax.

1889. Williard Pierce, American mining engineer, arrived for Korean Government, and American experts built quartz mill.

1890. Hon. Clarence R. Greathouse made legal adviser to Korean Government. Later made postmaster General.

1892. Gen. Legendre, an American, sent to Tokyo to represent Korea in fisheries' negotiations.

1893. Korean commission sent to World's Fair at Chicago.

1895. Mining concessions granted to James R. Morse. Conveyed to Korean Mining & Development Co. of New Jersey, and Oriental Consolidated Mining Co. of West Virginia, and to Hunt Fassett & Co.

1896. Concessions for railway from Seoul to Chemulpo granted to Americans.

1896. J. H. Dye, American civil engineer, appointed to do engineering work for Korea.

1897. Work begun on Chemulpo Railway with Collbran & James as contractors. Management of H. R. Bostwick.

1897. Standard Oil Co. built warehouse at Chemulpo.

1898. Seoul Electric Co. organized and work of building electric railway, lighting plant, and waterworks, begun by Collbran & Bostwick.

1899. Seoul electric street railway completed and manned by American motormen.

1899. Tramway concession granted to Collbran & Bostwick.  
 1900. Bank and office building erected by Americans.  
 1902. Commissioners named to be sent to Louisiana Purchase  
 Exposition at St. Louis.

TREATY AND DIPLOMATIC RELATIONS BETWEEN GREAT BRITAIN AND KOREA.

Treaty between Korea and Great Britain, negotiated on behalf of Great Britain by Sir Harry Smith Parkes, and dated November 26, 1883.

Provisions in substance the same as treaty with the United States.

Ministers from Great Britain to Korea: Sir Harry Parkes, appointed in 1884; Sir John Walshan, appointed in 1885; Rt. Hon. Sir. Nicholas R. O'Connor, in 1892; Sir Claude MacDonald, in 1896; J. N. Jordan, C. M. G., in 1898.

TREATY AND DIPLOMATIC RELATIONS BETWEEN KOREA AND FRANCE.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION DATED JUNE 4, 1886.

Provisions in substance the same as treaty with the United States. Ministers from France to Korea: V. Collin de Plancy, appointed in 1888; H. Fradin, in 1892; V. Collin de Plancy, in 1901.

TREATY AND DIPLOMATIC RELATIONS BETWEEN KOREA AND ITALY.

TREATY OF FRIENDSHIP AND COMMERCE DATED JUNE 26, 1884.

Provisions in substance the same as treaty with the United States. Ministers from Italy to Korea: Duties performed by consul generals at Shanghai, China.

TREATY AND DIPLOMATIC RELATIONS BETWEEN CHINA AND KOREA.

CHINA'S CLAIMS OF SUZERAINTY OVER KOREA.

Such claims were made by China for many centuries. Historians do not all agree as to the validity of these claims. In any event the claims were not asserted in any practical way and that question is now internationally *res adjudicata*.

The following is quoted from instructions given by Acting Secretary Alvey A. Adee, to Minister Sill, dated July 9, 1895:

The position assumed by this Government toward Korea since contracting the treaty with it in 1882 has in no wise been affected by recent events. Korea's treaty independence since then has been for us an established and accepted fact.

CHINA'S ATTEMPT TO STOP FIRST KOREAN ENVOYS TO UNITED STATES—UNITED STATES ESCORT FURNISHED.

See report No. 53 of Mr. Dinsmore to Mr. Bayard, dated September 30, 1887, with inclosures 1 to 4, inclusive.

Following is quoted from Korean Chronological Index by Horace N. Allen:

September 27, 1887. Korean mission started for Washington accompanied by H. N. Allen. The Koreans were turned back by Chinese interference.

November 13, 1887. The Korean mission to Washington sailed from Chemulpo on U. S. S. *Ossipee*, Capt. McNair. They passed six Chinese men-of-war sent to stop them.



## COMMERCIAL TREATY BETWEEN KOREA AND CHINA.

Dated September 11, 1899. Provisions identical with the treaty made with the United States.

Ministers to Korea under above treaty: Hsu Sou Peng, appointed December 14, 1899; Hsu Tai Shen, appointed November 12, 1901.

## TREATY AND DIPLOMATIC RELATIONS BETWEEN KOREA AND RUSSIA.

## TREATY OF AMITY AND COMMERCE.

Dated June 25, 1884, and ratified October 14, 1885. Provisions in substance same as United States treaty of 1882.

Ministers from Russia: C. Waeber, appointed October 14, 1885; A. N. Speyer, appointed March 28, 1898; A. Pavlow, appointed December 13, 1898.

## TREATY AND DIPLOMATIC RELATIONS BETWEEN KOREA AND GERMANY.

TREATY BETWEEN GERMANY AND KOREA OF AMITY AND COMMERCE, DATED NOVEMBER 23, 1883, RATIFIED APRIL 28, 1884.

Provisions are substantially the same as the treaty with the United States of 1882.

German ministers to Korea: Capt. Zembisch, appointed November 18, 1884; T. Kempermann, appointed May 17, 1886; H. Weipert, appointed September 29, 1900.

## TREATY AND DIPLOMATIC RELATIONS BETWEEN KOREA AND AUSTRIA.

TREATY OF AMITY AND COMMERCE SIGNED JULY 23, 1892, AND RATIFIED OCTOBER 5, 1893.

Provisions substantially the same as those of the treaty with the United States in 1882.

Diplomatic matters handled through Germany.

## TREATY AND DIPLOMATIC RELATIONS BETWEEN KOREA AND DENMARK.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION, DATED JULY 15, 1902.

Diplomatic relations handled through Belgium.

## TREATY AND DIPLOMATIC RELATIONS BETWEEN KOREA AND BELGIUM.

TREATY OF AMITY AND COMMERCE, DATED MARCH 23, 1901.

Ministers from Belgium to Korea: Leon Vincart, consul general, October 17, 1901, with Maurice Cuvelier as vice consul.

TREATY AND DIPLOMATIC RELATIONS BETWEEN JAPAN AND KOREA PRIOR TO PRESENT MILITARY OCCUPATION.

TREATY BETWEEN JAPAN AND KOREA, DATED FEBRUARY 26, 1876.

ARTICLE 1. "Chosen (Korea) being an independent State enjoys the same sovereign rights as does Japan."

## TREATY BETWEEN JAPAN AND KOREA, DATED ——— 24, 1876.

Provides 10 trading rules under the previous treaty of February 26, 1876.

## TREATY OF ALLIANCE BETWEEN JAPAN AND KOREA, DATED JULY 14, 1894.

ARTICLE I. That the independence of Korea is declared confirmed and established and in keeping with it the Chinese troops are to be driven out of the country.

ART. II. That while war against China is being carried on by Japan, Korea is to facilitate the movement and to help in the food supplies of the Japanese troops in every possible way.

ART. III. That this treaty shall only last until the conclusion of peace with China.

## TREATY OF ALLIANCE BETWEEN JAPAN AND KOREA, DATED FEBRUARY 23, 1904.

ARTICLE I. For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan and adopt the advice of the latter in regard to improvements in administration.

ART. II. The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea.

ART. III. The Imperial Government of Japan definitely guarantees the independence and territorial integrity of the Korean Empire.

ART. IV. In case the welfare of the Imperial House of Korea or the territorial integrity of Korea is endangered by aggression of a third power or by internal disturbance, the Imperial Government of Japan shall immediately take such necessary measures as the circumstances require, and in such cases the Imperial Government of Korea shall give full facilities to promote the action of the Imperial Japanese Government. The Imperial Government of Japan may, for the attainment of the above mentioned objects, occupy, when the circumstances require it, such places as may be necessary from strategical points of view.

ART. V. The Government of the two countries shall not in future, without mutual consent, conclude with a third power such an arrangement as may be contrary to the principles of the present protocol.

Ministers from Japan to Korea in period prior to present military occupation: Y. Hanabusa, appointed charge, November 25, 1877; S. Takesoye, appointed minister, January 7, 1883; K. Takahira, appointed charge, June 23, 1885; T. Kajiyama, appointed minister, April 17, 1891; M. Oishi, appointed minister, January 25, 1883; K. Otori, appointed minister, September 28, 1893; Count Inouye, appointed minister, October 26, 1894; Viscount Miura, appointed minister, September 1, 1895; J. Komura, appointed minister, October 19, 1895; K. Hara, appointed minister, July 7, 1896; M. Kato, appointed minister, February 24, 1897; G. Hayashi, appointed minister, June 25, 1899; Y. Yamaza, appointed charge, February 6, 1901; G. Hayashi, appointed charge, February 13, 1903.

TREATY AND DIPLOMATIC RELATIONS BETWEEN JAPAN AND KOREA DURING  
MENACE PRESENT MILITARY OCCUPATION.

ALLEGED TREATY, DATED AUGUST 22, 1904.

Requiring Korea to engage financial and diplomatic advisers designated by Japan, and requiring Korea to consult with Japan before making treaties with foreign powers, and before granting concessions or making contracts with foreigners.

ALLEGED TREATY, DATED APRIL 1, 1905.

Transferring post, telegraph, and telephone service to Japan. Includes right of eminent domain or condemnation against public property without compensation and against private property with indemnification. No compensation or payment, except that Japan "shall deliver to the Korean Government a suitable percentage of the profit."

ALLEGED TREATY, DATED AUGUST 13, 1905.

Granting concession to Japanese vessels to navigate coast and inland waters.

ALLEGED TREATY, DATED NOVEMBER 17, 1905.

This is the treaty under which Japan claims a "protectorate" over Korea and by which it is alleged Japan took over the foreign relations of Korea. (Korea denies execution of this treaty, and facts show duress. See subsequent titles alleged treaties since February 23, 1904, void for duress and coercion.)

ALLEGED ABDICATION OF EMPEROR YI IN 1907.

The following is the substance of a typical report of the facts, in Current Literature, volume 43, page 252, September, 1907:

Yi, it is explained, brought this upon himself by sending delegates to The Hague, which act was considered high treason. Saionji cabled to Ito in unmistakable language. Ito went to the palace. He discovered that the Emperor had arranged to flee to the protection of Russia. The palace gates were doubly guarded, and in another 24 hours Korea had a new Emperor. Yi was thus summarily disposed of for reasons far more weighty than his sending envoys to The Hague.

In an article entitled "The extinction of Korea," published in the Independent, volume 63, page 230, 1907, the writer ridicules the Japanese version that the Emperor advised with Ito about whether he should abdicate; that the ministers came to Ito for protection, and that Ito promptly and generously acceded to their request and used the armed forces of Japan to that end.

As to the fact that the crown prince who succeeded Emperor Yi was mentally incompetent, we have already stated the facts in the statement of the case at page 17.

ALLEGED TREATY, DATED JULY 24, 1907.

Provides that Korea shall act under guidance of Japanese resident general and turning over administration of internal affairs to Japan. Executed by Korean traitor, Yi Won-yong, as minister resident of

state; afterwards given title of count and bribe of \$500,000; never authorized or executed by Emperor.

ALLEGED TREATY, DATED AUGUST 20, 1910.

Annexation treaty, providing for permanent cession to the Emperor of Japan of all rights of sovereignty over the whole of Korea. Executed by Korean traitor, Yi Won-yong, purporting to act as minister president of state of Korea; never authorized or executed by Emperor.

OFFICIAL DECLARATIONS BY JAPAN THAT HER TREATIES WITH KOREA SHALL NOT INTERFERE WITH EXISTING TREATIES BETWEEN KOREA AND OTHER POWERS, INCLUDING UNITED STATES.

Official rescript issued by Japan, November 22, 1905, declares:

In bringing this agreement to the notice of the powers having treaties with Korea, the Imperial Government declares that \* \* \* they will see that these treaties are maintained and respected, and they also engage not to prejudice in any way the legitimate commercial and industrial interests of those powers in Korea.

Mr. H. Percival Dodge, American chargé d'affaires at Tokyo, reported to the State Department on September 19, 1907, that Marquis Ito, resident general for the Japanese Government in Korea, in a public address at a banquet tendered him by the House of Peers, "was emphatic in pronouncing all annexation talk as absurd. The new agreement furnished a streak of hope and led by it he was striving for the permanency of the Yi dynasty and the preservation of Korea."

See also communication to State Department by Minister Takahira and reply by Mr. Adee, already quoted at page 18 of the statement of the case.

ALLEGED TREATIES SINCE FEBRUARY, 1904, VOID FOR DURESS AND COERCION.

In Hershey's International Law and Diplomacy, at page 75, the author refers to the fact that the treaty of February 23, 1904, was valid because coercion was not used, and then writes:

The same statement can not be made in respect to the convention of November 17, 1905. In the case of the latter treaty, it is charged that the signatures of the Emperor of Korea and the Korean ministers were obtained by Ito and Hayashi, the Japanese plenipotentiaries, as the result of force and intimidation due to the presence of Japanese soldiers. (See London Times, Dec. 5, 1905.) This treaty was also invalid from a strictly legal point of view for another reason. It formally extinguished the independence of Korea by transferring this country into a protectorate, for the direction of Korean foreign affairs was placed under the control and direction of representatives of the Japanese Government.

The same author discussing the circular note to the powers by Count Lamsdorff, dated February 22, 1904, protesting for Russia against the occupation of Korea by Japan, said on page 71 of his work:

There can be no doubt but that according to strict letter of the law Japan was guilty of a violation of one of the most fundamental rules of international law, viz, the right of an independent State to remain neutral during war between other members of the family of nations, and to have its neutrality and territorial sovereignty respected by the belligerent States.



In a note the author says further :

This may now be regarded as one of the best established and most fundamental rules of international law.

\* \* \* \* \*

In order to raise her position in Korea above that of a mere military occupant, on the one hand, or a vulgar conqueror on the other, Japan negotiated the treaty with Korea in which she guaranteed the independence and integrity of the Korean Empire. (The treaty of Feb. 23, 1904.)

The following may be said to be a composite of all the statements of the rules relating to duress in international affairs:

It (international law) regards all contracts as valid, notwithstanding the use of force and intimidation, which do not destroy the independence of the State which has been obliged to enter into them. When this point is past, however, constraint vitiates the agreement, because it can not be supposed that a State would voluntarily commit suicide by way of reparation or measure of protection to another.

\* \* \* \* \*

The only kind of duress which justifies a breach of treaty is the coercion of the sovereign or plenipotentiary to such an extent as to induce him to enter into arrangements which he never would have made but for the fear on account of his personal safety. Such was the renunciation of the Spanish Crown extorted by Napoleon at Bayonne in 1807 from Charles the Fourth and his son Ferdinand. The people of Spain broke no faith when they refused to be bound by it and arose in insurrection against Joseph Bonaparte who had been placed upon the throne. (Hershey's International Law and Diplomacy, page 75; Lawrence Principles, p. 287; Hall International Law, p. 326; Bluntschili, sec. 409; Rivier II, p. 55; Bonsfils-Fauchille, sec. 818; Despagnet, sec. 455.)

#### MURDER OF THE QUEEN.

Though this incident occurred prior to February 23, 1904, it gave force to subsequent threats. The following telegrams were received at the State Department on their respective dates, sent by United States diplomatic representatives:

TOKYO, October 9, 1895.

The following telegram has been received from Allen, dated Seoul, October 9: "Yesterday morning King's father, with the assistance of Japanese, forcibly entered royal palace. Two officers killed in attempting to save Her Majesty, Queen and three ladies murdered. Murderers were Japanese in civilian dress."

DUN.

TOKYO, October 12, 1895.

The following telegram has been received from Allen, dated October 11: "I have received to-day a detachment of marines from the *Yorktown*. Chargé d'affaires Russia the same. English consul sent immediately for war vessel. Missing Queen deposed."

DUN.

TOKYO, October 14, 1895.

The following telegram has been received from Allen, dated October 13: "This Government is now under control of King's father and five traitors, under the guidance of Japanese. The condition of His Majesty pitiful. Queen murdered; murderers in full power. His own life in imminent peril. \* \* \* Japanese minister states that atrocities were committed by natives disguised to represent Japanese. It is absurd. Chargé d'affaires of Russia and myself saw 30 of them leaving royal palace just after atrocities armed with swords. They were Japanese. Also a reliable American military officer of the Government saw Japanese troops enter royal palace in advance of insurgents, and they witnessed atrocities but made no attempt to prevent them. Sufficient evidence implicating Japanese minister overwhelming."

DUN.

SEOUL, October 26, 1895.

Japanese minister and officers of his legation and army have been sent to Japan. Count Inouye is coming to Seoul as special ambassador. The King is under strict duress. His life in peril. I do not recognize decrees forced from him. Allen's conduct affairs excellent.

SILL.

See full text of court record of trial of Viscount Miura—Appendix I.—The case of Korea by Henry Chung, pp. 322 to 328.

#### MILITARY OCCUPATION.

Japan at the present time has established three military stations in Korea—at Penyang, Seoul, and Taiku, and has two naval bases, one at Masampo and the other in the bay near Wonsan. Thus land forces are established with bases in the north, central, and southern portions of Korea, and the south and east coast is guarded by naval bases at the southeast and the northeast. The west coast is sufficiently patrolled from Dairen and Port Arthur.

In the same manner the whole of Korea has been occupied and dominated by Japanese militaristic forces ever since they were permitted to land by Korea under the terms of the treaty of February 23, 1904, in which Japan guaranteed the independence and territorial integrity of Korea.

#### OCCURRENCES DURING NEGOTIATION OF ALLEGED TREATY CREATING A PROTECTORATE, DATED NOVEMBER 17, 1905.

We quote the following from pages 131 to 137 of Mr. Mackenzie's work, "The Tragedy of Korea":

Early in November the Marquis Ito arrived in Seoul as special envoy of the Emperor of Japan, and he brought with him a letter from the Mikado saying that he hoped the Korean Emperor would follow the directions of the Marquis and come to an agreement with him, as it was essential for the maintenance of peace in the Far East that he should do so. On November 15, Marquis Ito was received in formal audience and there presented a series of demands drawn up in treaty form. These were, in the main, that the foreign relations of Korea should now be placed entirely in the hands of Japan, the Korean diplomatic service be brought to an end, and the ministers recalled from foreign courts. The Japanese minister to Korea was to become supreme administrator to the country under the Emperor and the Japanese consuls in the different districts were to be made residents, with the powers of supreme local governors. In other words, Korea was entirely to surrender her independence as a State and was to hand over control of her internal administration to the Japanese. The Emperor met the request with a blank refusal. The conversation between the two, as reported at the time, was as follows:

The Emperor said:

"Although I have seen in the newspapers various rumors that Japan proposed to assume a protectorate over Korea, I did not believe them, as I placed faith in Japan's adherence to the promise to maintain the independence of Korea which was made by the Emperor of Japan at the beginning of the war and embodied in a treaty between Korea and Japan. When I heard you were coming to my country I was glad, as I believed your mission was to increase the friendship between our countries, and your demands have therefore taken me entirely by surprise."

To which Marquis Ito rejoined:

"These demands are not my own; I am only acting in accordance with a mandate from my Government, and if Your Majesty will agree to the demands which I have presented, it will be to the benefit of both nations, and peace in the East will be assured forever. Please, therefore, consent quickly."

The Emperor replied:

"From time immemorial it has been the custom of the rulers of Korea, when confronted with questions so momentous as this, to come to no decision until

all the ministers, high and low, who hold or have held office, have been consulted and the opinion of the scholars and the common people have been obtained, so that I can not now settle this matter myself."

Said Marquis Ito again:

"Protests from the people can be easily disposed of, and for the sake of friendship between the two countries Your Majesty should come to a decision at once."

To this the Emperor replied:

"Assent to your proposals would mean the ruin of my country, and I will therefore sooner die than agree to them."

The conference lasted nearly five hours, and the Marquis had to leave, having accomplished nothing. He at once tackled the members of the cabinet, individually and collectively. They were all summoned to the Japanese Legation on the following day, and a furious debate began, starting at 3 o'clock in the afternoon and lasting till late at night. The ministers had sworn to one another beforehand that they would not yield. In spite of threats, cajoleries, and proffered bribes, they remained steadfast. The arguments used by Marquis Ito and Mr. Hayashi, apart from personal ones, were twofold. The first was that it was essential for the peace of the Far East that Japan and Korea should be united. The second appealed to racial ambition. The Japanese painted to the Koreans a picture of a great united East, with the Mongol nations all standing firm and as one against the white man, who would reduce them to submission if he could. The Japanese were determined to give the cabinet no time to regather its strength. On the 17th of November another conference began at 2 in the afternoon at the legation, but equally without result. Mr. Hayashi then advised the ministers to go to the palace and open a cabinet meeting in the presence of the Emperor. This was done, the Japanese joining in.

All this time the Japanese army had been making a great display of military force around the palace. All the Japanese troops in the district had been for days parading the streets and open places fronting the imperial residence. The field guns were out and the men were fully armed. They marched, countermarched, stormed, made feint attacks, occupied the gates, put their guns in position, and did everything short of actual violence that they could to demonstrate to the Koreans that they were able to enforce their demands. To the cabinet ministers themselves and to the Emperor all this display had a sinister and terrible meaning. They could not forget the night in 1895 when the Japanese soldiers had paraded around another palace and when their picked bullies had forced their way inside and murdered the Queen. Japan had done this before; why should she not do it again? Not one of those now resisting the will of Dai Nippon but saw the sword in front of his eyes and heard in imagination a hundred times during the day the rattle of the Japanese bullets.

That evening Japanese soldiers, with fixed bayonets, entered the courtyard of the palace and stood near the apartment of the Emperor. Marquis Ito now arrived, accompanied by Gen. Hasegawa, commander of the Japanese army in Korea, and a fresh attack was started on the cabinet ministers. The Marquis demanded an audience of the Emperor. The Emperor refused to grant it, saying that his throat was very bad and he was in great pain. The Marquis then made his way into the Emperor's presence and personally requested an audience. The Emperor still refused. "Please go away and discuss the matter with the cabinet ministers," he said.

Thereupon Marquis Ito went outside to the ministers. "Your Emperor has commanded you to confer with me and settle this matter," he declared. A fresh conference was opened. The presence of the soldiers, the gleaming of the bayonets outside, the harsh words of command that could be heard through the windows of the palace buildings were not without their effect. The ministers had fought for days, and they had fought alone. No single foreign representative had offered them help or counsel. They saw submission or destruction before them. "What is the use of our resisting?" said one. "The Japanese always get their way in the end." Signs of yielding began to appear. The acting prime minister, Han Kew Sul, jumped to his feet and said he would go and tell the Emperor of the talk of traitors. Han Kew Sul was allowed to leave the room and then was gripped by the Japanese secretary of the legation, thrown into a side room, and threatened with death. Even Marquis Ito went out to him to persuade him. "Would you not yield," the Marquis said, "if your Emperor commanded you?" "No," said Han Kew Sul, "not even then!"



This was enough. The Marquis at once went to the Emperor. "Han Kew Sul is a traitor," he said. "He defies you and declares that he will not obey your commands."

Meanwhile the remaining ministers waited in the cabinet chamber. Where was their leader, the man who had urged them all to resist to death? Minute after minute passed, and still he did not return. Then a whisper went round that the Japanese had killed him. The harsh voices of the Japanese grew still more strident. Courtesy and restraint were thrown off. "Agree with us and be rich or oppose us and perish." Pak Che Sun, the foreign minister, one of the best and most capable of Korean statesmen, was the last to yield. But even he finally gave way. In the early hours of the morning commands were issued that the seal of state should be brought from the foreign minister's apartment and a treaty should be signed. Here another difficulty arose. The custodian of the seal had received orders in advance that, even if his master commanded, the seal was not to be surrendered for any such purpose. When telephonic orders were sent to him he refused to bring the seal along, and special messengers had to be dispatched to take it from him by force. The Emperor himself asserts to this day that he did not consent.

We could quote extensively from other works and contemporary reports on the subject, but the above quotation contains the facts that can not be controverted.

#### REVIEW OF FACTS ON DURESS.

The old Emperor's protest to the United States gave notice of Japan's oppression and selfish motives as evidenced by her acts, and sought assistance and the good offices of the United States to prevent the consummation of the Japanese threatened destruction of the independence of Korea. This protest was prepared and dispatched before the alleged protectorate had been asserted by Japan, although its delivery was prevented by wily, crafty, diplomatic Japanese intrigue until after Japan had asserted its alleged protectorate.

The official record shows you that this protest was prepared in October; that the protectorate was asserted November 17, 1905; that Japan gave out notice on November 22, 1905, to the powers that this protectorate was entirely agreeable to the Korean Government and the Korean people, now known by the world to have been a false announcement, but then taken without proof to be true; that on November 25, 1905, the Emperor's protest, prepared and dispatched in October to the United States, was delivered to the State Department; and that on November 26, 1905, the cable from the old Emperor asserting that the protectorate was obtained at the point of a sword and was null and void and that he had not consented to it and never would was also filed with the State Department of the United States.

The old Emperor found that a further appeal was necessary. On June 22, 1906, he commissioned a special envoy to the United States, Great Britain, France, Germany, Russia, Austria-Hungary, Italy, Belgium, and China, with full authority to represent the interests of the Korean Empire at the seat of each of those Governments, and instructed him to deliver to each of those Governments a document relative to the political situation in Korea, and to take such steps as might lead to the peaceful settlement of the difficulties which had arisen with Japan. He was also given special authority to secure an adjustment of the matter before the peace conference at The Hague.

This document which the special envoy was instructed to present to the powers recited the fraudulent character of the asserted protectorate by Japan, declared that it was invalid, and that under no



circumstances would the Government of Korea voluntarily consent to the ratification of any instrument which would impair the independence of Korea, and that if any power claimed that the protectorate had been with the consent of Korea that such claim would be wholly false; and in view of the fact that Korea was a de jure independent power and nation the powers were requested to reassert their right to establish diplomatic relations with Korea, and were also requested to aid Korea in bringing the matter before The Hague tribunal in order that Korea's legal and just claim might be legally established.

This is the official record, and it might well be said that it is sufficient in and of itself, without reference to extraneous proof to establish that the asserted protectorate of November 17, 1905, was void. The old Emperor, the acknowledged and recognized ruler of the Korean nation, that has had a national independent existence for over 4,000 years—to be exact, ever since 2333 B. C.—officially denounces the announcement of the asserted protectorate as false. His denouncement and his assertions should be taken as true.

Japan herself up to this time had been loudest in asserting to the world that Korea was an independent nation.

For the purposes of proper explanation of the questions here involved we have not deemed it necessary to go back in the political history of Korea of 1876.

By solemn treaties and conventions Japan reiterated again and again the sovereign independence of Korea. In the treaty with Korea, dated February 26, 1876, Japan says: "Chosen (Korea) being an independent State, enjoys the same sovereign rights as Japan." In her treaty with China, dated April 18, 1885, Japan agreed to withdraw her troops, then stationed in Korea, and forced China to agree to the same stipulation; and forced China to a mutual agreement to invite Korea to instruct and drill a sufficient armed force, to the end that she might herself protect her national security and to invite Korea to engage the services of officers of a third power to instruct such armed force, both China and Japan binding themselves not to send any of their officers to Korea for the purpose of giving such instruction.

By Japan's treaty with Korea, dated July 14, 1894, Japan covenanted "That the independence of Korea was declared, confirmed, and established, and in keeping with it the Chinese troops were to be driven out of the country."

By her treaty with China, dated April 1, 1895, Japan forced China to recognize definitely the full and complete independence of Korea.

By her treaty with Russia, dated June 9, 1896, Japan forced Russia to consent to the formation and maintenance by Korea of the national armed force.

In the treaty with Korea, dated February 23, 1904, Japan solemnly covenants by article 3 of that treaty as follows: "The Imperial Government of Japan definitely guarantee the independence and territorial integrity of the Korean Empire." In the same year that a protectorate was asserted Japan recognized the independent national existence of Korea by making two treaties with Korea by which she and her subjects acquired economic rights in Korea. On

April 1, 1905, she covenanted with Korea for the purpose of acquiring the post, telegraph, and telephone lines in Korea, and on August 13, 1905, only a brief period of three months before asserting the alleged protectorate, she entered into a treaty with Korea, thereby recognizing the national independent existence of Korea and recognizing the right and jurisdiction of Korea to control navigation within her territorial limits, to permit Japanese vessels to navigate along the coast and in inland waters of Korea for the purpose of trade.

So it appears that within a few months of the asserted protectorate that Japan recognized the national independent existence of Korea and had proclaimed that national independent existence to the world by her solemn treaties and covenants, and in more than one instance had forced other powers to do the same.

Under such circumstances, why should not the protestation and written assertion of the recognized ruler of Korea, that the asserted protectorate was invalid, be accepted?

If we were to consider what must have been the attitude and temper of the Korean Government and of the Korean people at the time that Japan asserted the protectorate of 1905, we realize how absurd and impossible it would be for the Korean Government and the Korean people to voluntarily consent to this protectorate.

The Koreans could not but remember, and we can not but remember, that in 1894 Japan procured permission to occupy Korea with troops during her war with China, under the expressed promise to withdraw the troops at the conclusion of the war, and how at the conclusion of the war with China Japan violated her treaty in this respect and entered upon a campaign of threats to secure economic privileges and to dominate Korea.

How could Koreans forget, or we forget, that awful night in October, 1895, when, by Japanese instigation, the queen, who, with all the power and influence with which she was endowed, was seeking to protect her beloved people from Japanese aggression, was ruthlessly murdered in cold blood and her body burned, and how the grief-stricken emperor was finally obliged to flee from his own palace and from Japanese domination and threats and to take refuge in the Russian embassy, a fugitive in his own country and among his own people.

How can Koreans forget or we forget how intensively the Japanese then brought into play all their abilities of diplomatic craft and intrigue, and finally succeeded in getting the Emperor (then holding the title of King) to return to his palace, upon joint assurances of both Russia and Japan, and how for the time being Japan protested a love and friendship for Korea that Korea, to her sorrow, and the world, to its horror, has since learned to be insincere.

Koreans must have had in mind and must bear in mind how Korea, in February, 1904, again gave permission to Japan to occupy Korea with troops during the war with Russia, and how, flushed with her success in the Russian war, Japan, throwing off the guise of friendship, again violated her treaty and refused to withdraw her troops, virtually imprisoning the Emperor and boldly set about to confiscate

the economic resources of the country and to dominate its governmental policies.

It was fresh in the Korean mind that Japan at the end of a great war had defeated Russia and that in lieu of indemnity she had forced Russia to acknowledge her "paramount rights" in Korea.

It is impossible to conceive that Korea should forget all of these things and that it should voluntarily and of its own free will consent to, much less welcome, a protectorate from a country by whom she had been so misused.

As we go back over the situation as it must have been in November, 1905, it becomes clearer and clearer that the crafty Japanese announcement of November 22, 1905, that Korea had consented to and welcomed the asserted protectorate, was absurdly and ridiculously false, and we became more and more convinced of the truth and sincerity of the old Emperor's protestations that the protectorate had not been consented to and would never be consented to by the Korean Government and Korean people.

It seems so needless to present outside evidence; the most that can be said is that it is cumulative. We hesitate to burden the reader with a volume of outside proof on this matter.

There is available the statement of Prof. Hulbert, which appears on pages 4194 to 4196 of the Congressional Record, in issue of August 18, 1919, to which you can refer.

We have already quoted from the "Tragedy of Korea," a contemporaneous history of current events by Mr. F. A. MacKenzie, covering the crowning of the new Emperor and the disbanding of the Korean Army. Mr. MacKenzie is a writer of note and a man of unimpeachable integrity, thoroughly familiar with the Korean question.

Prof. Hulbert, to whom we have had occasion to refer so many times in this statement and brief, is also the author of a work on Korean history, entitled "The Passing of Korea." His thorough and intimate knowledge of the subject can not be questioned.

There are many other authors and historians of note who have written of and treated the Korean question. The limited space to which we must confine ourselves prevents reference to or quotations from all.

#### JAPANESE ATROCITIES IN KOREA.

See Appendix VII, The Case of Korea, by Henry Chung, pages 346 to 358, containing tabulations and daily occurrences arranged chronologically from March 1, 1919. See also chapters from the same authority, entitled "Political and Judicial Oppression," page 61; "The Official Paddle," a chapter on the horrors of flogging, page 74; "Prisons and Prison Tortures," page 86; "Japan Amuck," page 214, and "Massacres," page 231.

See also Report of the Federal Council of Churches of Christ on Korean atrocities, read into the Congressional Record, July 17, 1919, Sixty-sixth Congress, first session, pages 2845 to 2865, inclusive.

## INDEPENDENCE MOVEMENT AND FORMATION REPUBLIC OF KOREA.

Over 9,000 news items and special articles have appeared in the public press of the United States since this movement was started, on March 1, 1919, covering every phase and detail. We, therefore, consider it only necessary to refer to such formal things as directly concern and relate to facts already known.

See formal notice to the United States, dated June 14, 1919, filed with the President and Secretary of State, of the formation of the republic, giving names of officials elected, etc.

See formal appeal, dated June 27, 1919, filed with the Secretary of State by the Republic of Korea, formally detailing acts of oppression and asking aid of "good offices" of the United States under treaty of 1882. Attached as exhibits are copies of the treaty and the formal demand upon Japan to withdraw military forces.

The foregoing are in addition to the appeal of the Emperor of Korea, filed in the State Department on November 25, 1905, and his cable notice of the illegality of the claimed protectorate, filed in the State Department on November 26, 1905.

